



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,344	11/20/2001	Shawn R. Gettemy	PALM-3676	4295

7590 03/21/2007  
WAGNER, MURABITO & HAO LLP  
Third Floor  
Two North Market Street  
San Jose, CA 95113

EXAMINER
----------

LAO, LUN YI

ART UNIT	PAPER NUMBER
----------	--------------

2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/991,344

Applicant(s)

GETTEMY ET AL.

Examiner

LUN-YI LAO

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 8-11, 15-19 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-11, 15-19 and 22-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4, 8-11, 15-19 and 23-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation of "wherein said sensor is operable to differentiate between a first height and a second height of said indication above said second display component" is contradicted with "wherein an input at said first height corresponds to said first display component" in claims 1, 11 and 19 since the sensor is operable to the second display component, not the first display component as claimed. Such recitation should be changed to -- wherein said sensor is operable to differentiate height of said indication above said first and second display components--"

3. Claims 1-4, 8-11, 15-19 and 22-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification fails to disclose "an input at said first height corresponds to said first display component activated by the control circuit, and wherein an input at the second height corresponds to the second display component activated by the second control circuit" as cited in claims 1, 11 and 19. The specification only disclose the control circuit(209) for changing the active display from device 212 to 211 when a stylus 415 is moved closed to the surface of the portable computer system(see figures 2, 4, 5A; page 19, lines 19-23; page 20, lines 1-1-4 and page 21, lines 13-21). The specification disclose a sensor(e.g.) can detect inputs to both display device(211, 212)(see figures 5A-5B; page 18, lines 14-19 and page 19, lines 11-17) and the specification discloses the control circuit performs active different functions when a stylus or pen closed to the first display(211) and the second display(212); e.g. the control circuit performs an active function or change a color display when a sensor detect a stylus(415 or finger) closed to the second component(212) and performs a gesture function when a sensor(510) detects a stylus or finger closed to the first display component(211)(see figures 5A-5B; page 19, lines 10-13 and lines 19-23; and page 20, lines 1-5). The specification only discloses a control circuit(209) interacts with either display device(212) or display device(211) by change the height of a user's finger above the display(see page 19, lines 19-23; page 20, lines 1-4 and page 21, lines 13-21).

4. The recitation of "an input at said first height corresponds to said first display component activated by the control circuit, and wherein an input at the second height

Art Unit: 2629

corresponds to the second display component activated by the second control circuit" as cited in claims 1, 11 and 19 will not be considered in the 103 rejection as below.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 8-11, 15-19 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nako et al(6,788,292) in view of Mese et al(5,396,443).

As to claims 1-4, 8-11, 15-19 and 23-25, Nako et al teach an input detection system comprising a first display component( e.g. 4B); a second display component(e.g. 4A) disposed above the first display component(4B) when a cover is in close position(see figures 9, 12, 19-20, 36, 38); a sensor(5, 16, 25, 46, 76, 77) operable to detect an indication in proximity to the a surface of the electronic device(see figures 8-14, 18-39; column 8, lines 23-68 and column 9, lines 1-49); a control circuit(12, 22, 42) coupled to a sensor component(16, 25, 46, 76, 77) and operable to register the indication(close or open position) as an input to the electronic device at one of the first height(first position) and the second height(second position) (see figures 1-14, 18-39;

Art Unit: 2629

column 2, lines 65-68; column 3, lines 1-20; column 8, lines 23-68; column 9, lines 1-49; column 11, lines 52-68 and column 12, lines 1-58 and column 14, lines 29-65);

Nako et al fail to disclose a sensor for detecting an indication in proximity to but not contact with a surface of the electronic device.

Mese et al teach an input detecting system comprising a processor(501) and a sensor (102) coupled to a processor(501) for detecting an indication(e.g. finger or stylus) in proximity(approach or less than distance d(about 9 mm)) to but not in contact with the surface of the electronic device(display or tablet) and wherein the sensor(102) is to differentiate between a first height(e.g. greater than threshold value; e.g. d) and a second height( e.g, 8 mm) of the indication(e.g. finger or stylus)(see figures 1-2, 5-7; column 4, lines 41-44 and column 10, lines 7-54) above the display and cause the control circuit, in response to the differentiating, to active display component(see figures 1, 2, 5-9; column 3, lines 58-68; column 4, lines 1-55; column 10, lines 3-68; columns 11 and column 12, lines 1-65). It would have been obvious to have modified Nako with the teaching of Mese et al, so the touch panel could not easy to get damage.

As to claim 2, Mese et al teach a capacitive sensor(see figures 7-9; column 11, lines 17-36; column 12, lines 66-68 and column 13, lines 1-12).

As to claim 4, Mese et al teach an inductive sensor(see figures 6-9; column 10, lines 3-68; column 11, lines 1-51; column 12, lines 12-68 and column 13, lines 1-23).

As to claims 8, 9, 15-16, and 23-24, Nako et al as modified teach a sensor(46) having a threshold(switch) for sensing a cover being closed or open(see figures 1-6, 19-22; column 3, lines 12-20; column 11, lines 53-68 and column 12, lines 1-57).

Art Unit: 2629

As to claims 10, 17 and 25, Nako et al as modified teach a second sensor(15 or 16 or 25) coupled a second display(4A) (see figures 9, 10, 12; column 9, lines 20-25 and column 10, lines 25-33).

7. Claims 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nako et al(6,788,292) in view of Mese et al(5,396,443) and Saw et al(6,445,574).

Nako et al as modified fail to disclose a cover having transparency to viewing of a display.

Saw et al teach the cover is in a closed position and is fully transparent to permit viewing the first display component when the cover is in a closed position(see figures 1-2; column 1, lines 48-65; column 2, lines 53-68 and column 3, lines 1-20). It would have been obvious to have modified Nako et al as modified with the teaching of Saw et al, so a user could view a display panel when the cover is in a close position(see column 1, lines 33-35).

### ***Response to Arguments***

8. Applicant's arguments filed on December 20, 2007 have been fully considered but they are not persuasive.

Applicants state that the 35 U.S.C. § 112, first paragraph rejection should be withdrawn since the specification disclose a user can interact with either display device 212 or display device 211 by changing the height of a stylus above the display on page

9. The examiner disagrees with that The specification only disclose the control

Art Unit: 2629

circuit(209) for changing the active display from device 212 to 211 when a stylus 415 is moved closed to the surface of the portable computer system(see figures 2, 4, 5A; page 19, lines 19-23; page 20, lines 1-1-4 and page 21, lines 13-21). The specification disclose a sensor(e.g.) can detect inputs to both display device(211, 212)(see figures 5A-5B; page 18, lines 14-19 and page 19, lines 11-17) and the specification discloses the control circuit performs active different functions when a stylus or pen closed to the first display(211) and the second display(212); e.g. the control circuit performs an active function or change a color display when a sensor detect a stylus(415 or finger) closed to the second component(212) and performs a gesture function when a sensor(510) detects a stylus or finger closed to the first display component(211)(see figures 5A-5B; page 19, lines 10-13 and lines 19-23; and page 20, lines 1-5).

Applicants argue that Nako fails to teach a control circuit coupled to a sensor component and operable to register the indication as an input to the electronic device at one of the first height and the second height on pages 10-11 and 15. The examiner disagrees with that since Nako teaches a control circuit(e.g. 12) coupled to a sensor component(e.g. 16) and operable to register the indication as an input to the electronic device at the first height(e.g. 10mm or less)(see figures 1-6, 9, 31A-32; column 9, lines 5-25 or the rejection above).

Applicants argue that Nako fails to teach the control circuit is operable to detect when the cover is in the closed position and in an open position and is further operable to alter a detection threshold of said sensor component when the cover is in the open position on page 12. The examiner disagrees with that since Nako teaches the control



Art Unit: 2629

circuit(12) is operable to detect when the cover is in the closed position and in an open position and is further operable to alter a detection threshold of sensor(e.g. switch ON or OFF) component when the cover is in the open position(see figures 5-6, 9-10, 31A-32; column 3, lines 12-20 and column 9, lines 10-25).

Applicants argue that Nako fails to teach a sensor component responsive to the altered detection threshold, detects an indication above the second display component and the control system registers the indication as an input to the electronic device on page 13. The examiner disagrees with that since Nako teaches a sensor component responsive to the altered detection threshold(a switch ON or OFF), detects an indication above the second display component(at close position) and the control system registers the indication as an input to the electronic device see figures 5-6, 9-10, 31A-32; column 3, lines 12-20 and column 9, lines 10-25).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ranf et al(5,486,847) teach a touch sensor(20) underneath a display(16).

WO 87/06077 teaches a display device having proximity detector.

10. If the limitations of "a sensor disposed underneath the first display component, for operable detecting an indication in proximity to the a surface of the electronic device, wherein said sensor is operable to differentiate height of said indication above first and

Art Unit: 2629

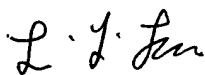
second display components and a control circuit coupled to the sensor for changing the first display component activated when an input at the first height above the second display component and inputting gesture to the second display component when the input at a second height which is shorter than the first height", added in claims 1, 11 and 19, the current rejection will be overcome.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi Lao whose telephone number is 571-272-7671. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 12, 2007

  
**Lun-yi Lao**  
**Primary Examiner**